MONTANA LEGISLATIVE HISTORY

Chapter 453 1997

Bill H 360 S _____ Original bill & history ✓C

H. Committee on Fish Wildlife..			S. Committee on Fish & Game		
Hearing Date(s)	2-4	✓C	Hearing Date(s)	2-20	✓C
	2-6	✓C		3-4	✓C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/11	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/13	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 99		
	EFFECTIVE DATE: 03/19/97		

HB 360 INTRODUCED BY MENAHAN, ET AL. *LC1381 DRAFTER: STERNBERG*

REVISE THE PROHIBITION AGAINST INTENTIONAL INTERFERENCE WITH THE TAKING OF A WILD ANIMAL BY INCLUDING HARASSMENT OF ANGLERS AND HARASSMENT OF GAME BIRD HUNTERS AS PROHIBITED ACTIVITIES

BY REQUEST OF HOUSE FISH, WILDLIFE, & PARKS COMMITTEE

1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO FISH, WILDLIFE & PARKS		
2/04	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/10	2ND READING PASSED	99	0
2/11	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/12	FIRST READING		
2/12	REFERRED TO FISH & GAME		
2/20	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/07	2ND READING CONCURRED	49	1
3/08	3RD READING CONCURRED	40	4
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	96	0
4/11	3RD READING CONCURRED AS AMENDED	96	0
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 453		
	EFFECTIVE DATE: 10/01/97		

HB 361 INTRODUCED BY HARPER, ET AL. *LC0519 DRAFTER: COLHOUN*

REQUIRE NOTICE OF THE APPLICATION OR USE OF INDOOR PESTICIDES TO BE POSTED FOR PUBLIC BUILDINGS

1/24	FISCAL NOTE REQUESTED		
1/25	INTRODUCED		
1/25	FIRST READING		
1/25	REFERRED TO STATE ADMINISTRATION		
1/30	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
1/31	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED AS AMENDED	68	30
2/18	3RD READING PASSED	64	35
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO STATE ADMINISTRATION		
3/07	HEARING		
3/17	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		

House BILL NO. 360

INTRODUCED BY Menahan Wagner Slaten Hagan

BY REQUEST OF THE HOUSE FISH, WILDLIFE, AND PARKS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROHIBITION AGAINST INTENTIONAL INTERFERENCE WITH THE TAKING OF A WILD ANIMAL BY INCLUDING HARASSMENT OF ANGLERS AND HARASSMENT OF GAME BIRD HUNTERS AS PROHIBITED ACTIVITIES; REVISING DEFINITIONS; AND AMENDING SECTIONS 87-3-141 AND 87-3-142, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-141, MCA, is amended to read:

"**87-3-141. Definitions.** As used in 87-3-141 through 87-3-144, the following definitions apply:

(1) "Fishing" means the lawful means of angling or fishing as defined in 87-2-120.

(2) "Taking" means the pursuit, hunting, trapping, shooting, or killing of a wild animal on land upon which the affected person has the right or privilege to pursue, hunt, trap, shoot, or kill the wild animal.

~~(2)~~(3) "Wild animal" means ~~any~~ a game animal, migratory game bird, upland game bird, fur-bearing animal, or predatory animal, as defined in 87-2-101, or a fish."

Section 2. Section 87-3-142, MCA, is amended to read:

"**87-3-142. Harassment prohibited.** (1) ~~No~~ A person may not intentionally interfere with the lawful taking of or fishing for a wild animal by another.

(2) ~~No~~ A person may not, with intent to prevent or hinder its lawful taking or its capture, disturb a wild animal or engage in an activity or place in its way any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal.

(3) ~~No~~ A person may not disturb an individual engaged in the lawful taking of or fishing for a wild animal with intent to ~~dissuade the individual or otherwise~~ prevent the taking of the animal or the capture of the fish.

(4) ~~Nothing in this~~ This section ~~prohibits~~ does not prohibit a landowner or lessee from taking reasonable measures to prevent imminent danger to domestic livestock and equipment."

-END-

HOUSE FISH, WILDLIFE & PARKS

- BILL NO -	REFERRED -	HEARING -	OTHER CONSIDERATION DATES -	EXECUTIVE ACTION/DATE/VOTE -------	REREFERRED ----	DATE READ
HB0247	HARPER, HAL 1/14	1/30		REMEDIAL CONSERVATION EDUCATION PROGRAM FOR NONVIOLENT FISH & GAME OFFENSES TABLED ON 02/11 VOTE: 19-0		
HB0265	MOLNAR, BRAD 1/15	1/28		REVISE SPECIAL ELK PERMIT LAWS PASS AS AMENDED 02/11 VOTE: 14-5		2/19
HB0271	HARPER, HAL 1/15	1/30		INCREASE PENALTY FOR ILLEGAL FISH INTRODUCTION PASS AS AMENDED 01/31 VOTE: 17-2		1/31
HB0289	PAVLOVICH, BOB 1/17	2/04		4-DAY LEGION OF VALOR FREE FISHING PASS AS AMENDED 02/04 VOTE: 19-0		2/05
HB0307	JORE, RICK 1/21	2/06		REVISE STATE-TRIBAL HUNTING AND FISHING TABLED ON 02/11 VOTE: 10-9		
HB0360	MENAHAN, RED 1/25	2/04		PROHIBIT HARASSMENT OF ANGLERS & BIRD HUNTERS PASS AS AMENDED 02/06 VOTE: 18-1		2/07
HB0387	SIMON, BRUCE 1/29	2/13		PUBLIC NOTIFICATION OF FISH STOCKING PASS AS AMENDED 02/18 VOTE: 19-0		2/19
HB0404	REHBEIN, WILLIAM 1/31	2/11		FWP WILDLIFE CONSERVATION PREDATOR CONTROL PROGRAM TABLED ON 02/13 VOTE: 19-0		
HB0413	KNOX, DICK 1/31	2/06		HUNTING & FISHING LAW VIOLATORS ETHICS EDUCATION PROGRAM PASS AS AMENDED 02/11 VOTE: 14-4		2/12
HB0482	SANDS, DIANE 2/07	2/13	02/20	PROHIBIT USE OF WORD "SQUAW" FOR PUBLIC AREAS AND FEATURES TABLED ON 02/18 VOTE: 11-8		
HB0520	SWANSON, EMILY 2/11	3/06		BLOCK MANAGEMENT AREA HUNTING PERMIT TABLED ON 03/11 VOTE: 11-6		
HB0547	REHBEIN, WILLIAM 2/13	2/18		SEIZED GAME ANIMAL MEAT OR SALE PROCEEDS TO FOOD BANK NETWORK PASS AS AMENDED 02/18 VOTE: 16-3		2/19

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE, & PARKS

Call to Order: By **CHAIRMAN DOUGLAS T. WAGNER**, on February 4, 1997, at 3:00 P.M., in Room 312-1.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)
Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)
Rep. Emily Swanson, Vice Chairman (Minority) (D)
Rep. Shiell W. Anderson (R)
Rep. Haley Beaudry (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Dick Knox (R)
Rep. Rod Marshall (R)
Rep. Brad Molnar (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)
Rep. Diane Sands (D)
Rep. Paul Sliter (R)
Rep. Bill Tash (R)
Rep. Allan Walters (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Services Division
Alberta Strachan, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 289 (1/22/97); HB 360 (1/29/97); SB 52 (1/22/97).
Executive Action: HJR 1; SB 52; HB 289.

HEARING ON SB 52

Opening Statement by Sponsor: **SEN. WILLIAM CRISMORE**, S.D. 41 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 1.5.}

Bill Holdorf, Skyline Sportsmen.
{Tape: 1; Side: 1; Approx. Time Count: 19.1.}

Brett Brownscombe, Montana Wildlife Federation.
{Tape: 1; Side: 1; Approx. Time Count: 19.4.}

Sam Babich, Montana Action For Access.
{Tape: 1; Side: 1; Approx. Time Count: 20.0.}

Opponents' Testimony: None.
{Tape: 1; Side: 1; Approx. Time Count: 20.4.}

Informational Testimony: None.

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 20.7.}

Closing by Sponsor: **REP. PAVLOVICH** closed on the bill.
{Tape: 1; Side: 1; Approx. Time Count: 22.0.}

HEARING ON HB 360

Opening Statement by Sponsor: **REP. WILLIAM MENAHAN**, H.D. 57 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 22.5.}

Proponents' Testimony:

Ken Hoovestal, Walleyes Unlimited. EXHIBIT 4.
{Tape: 1; Side: 1; Approx. Time Count: 23.1; Comments: Mr. Hoovestal provided testimony from Roger K. Larson.}

Tony Schoonen, Public Lands Access Association.
{Tape: 1; Side: 1; Approx. Time Count: 24.4.}

Bill Holdorf, Skyline Sportsmen.
{Tape: 1; Side: 1; Approx. Time Count: 25.0.}

Sam Babich, Montana Action For Access.
{Tape: 1; Side: 1; Approx. Time Count: 25.8.}

Mary Ellen Schnur, Montana Outfitter's & Guides Association.
{Tape: 1; Side: 1; Approx. Time Count: 26.3.}

Bob Lane, Attorney, Department of Fish, Wildlife & Parks. EXHIBIT 5.
{Tape: 1; Side: 1; Approx. Time Count: 26.7; Comments: Mr. Lane provided testimony from Patrick Graham, Director, Department of Fish, Wildlife & Parks.}

Q. Nardacci, Anaconda resident.
{Tape: 1; Side: 1; Approx. Time Count: 28.8.}

Brett Brownscombe, Montana Wildlife Federation.
{Tape: 1; Side: 1; Approx. Time Count: 29.2.}

Opponent's Testimony:

Quinn Holzer, Montana Stockgrower's Association.
{Tape: 1; Side: 1; Approx. Time Count: 30.1.}

Informational Testimony: None.
{Tape: 1; Side: 1; Approx. Time Count: 31.1.}

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 31.2.}

Closing by Sponsor: **REP. MENAHAN** closed on the bill.
{Tape: 1; Side: 1; Approx. Time Count: 43.2; Comments: .}

EXECUTIVE ACTION ON HJR 1

Motion: **REP. SLITER MOVED HJR 1 DO PASS.**
{Tape: 1; Side: 2; Approx. Time Count: 2.2.}

Motion: **REP. SLITER** moved to adopt the Kitzenberg amendments.
{Tape: 1; Side: 2; Approx. Time Count: 3.1.}

Discussion:
{Tape: 1; Side: 2; Approx. Time Count: 4.3.}

Motion: **REP. SLITER** moved to adopt the Sliter amendment concerning a termination date of 1999.
{Tape: 1; Side: 2; Approx. Time Count: 13.7.}

Motion: **REP. MOLNAR** moved to adopt the Molnar amendment concerning a public meeting held in various counties.
{Tape: 1; Side: 2; Approx. Time Count: 14.8.}

Vote: Question was called. Motion carried to adopt the Kitzenberg and Sliter amendments 17-2 with **REP. SWANSON** voting no by proxy and **REP. HIBBARD** voting no.
{Tape: 1; Side: 2; Approx. Time Count: 18.1.}

Motion: **REP. SLITER MOVED HJR 1 DO PASS AS AMENDED.**
{Tape: 1; Side: 2; Approx. Time Count: 18.4.}

Motion: **REP. MOLNAR** again moved to adopt the Molnar amendment concerning a public meeting held in each of the established Fish and Game regions and the final meeting being held in Helena for the purpose of deciding the outcome of the previous meetings which would be an authorization for eight meetings.
{Tape: 1; Side: 2; Approx. Time Count: 18.5.}

Discussion:
{Tape: 1; Side: 2; Approx. Time Count: 19.4.}

Motion/Vote: **REP. MARSHALL MOVED A SUBSTITUTE MOTION HJR 1 BE TABLED.** Motion carried to table HJR 1 12-6 with **REPS. WAGNER, SANDS, RANEY, SLITER, MOLNAR and REHBEIN** voting no and **REP. REAM** not voting.
{Tape: 1; Side: 2; Approx. Time Count: 21.5.}

EXECUTIVE ACTION ON SB 52

Motion/Vote: **REP. HANSON MOVED SB 52 BE CONCURRED IN.** Question was called. Motion carried 19-0.
{Tape: 1; Side: 2; Approx. Time Count: 21.5.}

EXECUTIVE ACTION ON HB 289

Motion: **REP. PAVLOVICH MOVED HB 289 DO PASS.**
{Tape: 1; Side: 2; Approx. Time Count: 24.3.}

Discussion:
{Tape: 1; Side: 2; Approx. Time Count: 24.4.}

Motion: **REP. HANSON** moved to adopt the Hanson amendments.
{Tape: 1; Side: 2; Approx. Time Count: 24,9.}

Vote: Question was called. Motion carried to adopt the Hanson amendments unanimously.
{Tape: 1; Side: 2; Approx. Time Count: 28.8.}

Motion/Vote: **REP. HANSON MOVED HB 289 DO PASS AS AMENDED.** Question was called. Motion carried unanimously 19-0.

EXECUTIVE ACTION ON HB 360

CHAIRMAN WAGNER ordered that action be deferred on HB 360 until a later date.
{Tape: 1; Side: 2; Approx. Time Count: 34.5.}

{Tape: 2; Side: 1; Approx. Time Count: 18.4; Comments: Mr. Brownscombe also presented testimony from Rich Day, Director, National Wildlife Federation.}

Chris Tweeden, Attorney General's Office.
{Tape: 2; Side: 1; Approx. Time Count: 21.3.}

Christine Kaufmann, Montana Human Rights Network. EXHIBIT 15.
{Tape: 2; Side: 1; Approx. Time Count: 27.1.}

William Joseph Moran, Confederated Salish and Kootenai Tribes.
{Tape: 2; Side: 1; Approx. Time Count: 28.7.}

Michael Duglar, Confederated Salish and Kootenai Tribes.
{Tape: 2; Side: 1; Approx. Time Count: 29.2.}

Gary Stephens, Confederated Salish and Kootenai Tribes.
{Tape: 2; Side: 1; Approx. Time Count: 29.4.}

Stan Juneau, Butte resident.
{Tape: 2; Side: 1; Approx. Time Count: 30.0.}

CHAIRMAN WAGNER submitted written testimony from Lucille T. Otter, Ronan; Thurman Tresper, address unknown; Rhonda R. Swaney, Tribal Chairwoman, The Confederated Salish and Kootenai Tribes of the Flathead Nation, Pablo; Joseph G. Brooks, Ronan; Blanche Oken, Charlo; Theodore M. Eldridge, Missoula; Norma Tummell, Charlo; Ron Trammell, Charlo; Bryce Lee Eldridge, Charlo; Faith Eldridge, Charlo; Louis Eldridge, Charlo; Rita Senkler, Charlo; Mark Schmitz, Moiese; Howard Senkler, Charlo; Bill Howell, Moiese; Sharon Benson, St. Ignatius; James Sivils, Charlo; Ronald Roush, Charlo; Donalee Shepard, Charlo; Don Oyer, Charlo; Betty Borden, Charlo; Don Skyard, Charlo; Carmen Nelson, Charlo; Traci Shepard, Charlo; Grant Hogge, Charlo. **EXHIBIT 16(1) through 16(24).**

Informational Testimony: None.
{Tape: 2; Side: 1; Approx. Time Count: 30.2.}

Questions From Committee Members and Responses:
{Tape: 2; Side: 1; Approx. Time Count: 30.5; Comments: .}

Closing by Sponsor: **REP. JORE** closed on the bill.
{Tape: 2; Side: 1; Approx. Time Count: 42,0; Comments: .}

EXECUTIVE ACTION ON HB 360

Motion: **REP. SWANSON MOVED HB 360 DO PASS.**
{Tape: 2; Side: 2; Approx. Time Count: 3.5.}

Discussion:
{Tape: 2; Side: 2; Approx. Time Count: 4.1; Comments: .}

Motion/Vote: **REP. HARPER** moved to adopt the Harper amendments. Question was called. Motion carried 19-0 with **REP. WELLS** voting by proxy.
{Tape: 2; Side: 2; Approx. Time Count: 5.2.}

Motion/Vote: **REP. SLITER MOVED HB 360 DO PASS AS AMENDED.** Motion carried 18-1 with **REP. REHBEIN** voting no and **REP. WELLS** voting by proxy.
{Tape: 2; Side: 2; Approx. Time Count: 6.8.}

RPT. LCB4 FINAL COMMITTEE REPORT OF REFERRED BILLS RUN DATE: 04/15/97

COMMITTEE--SENATE FISH & GAME

CHAIRMAN--AL BISHOP
SECRETARY-SERENA ANDREW/407
NORMAL SCHEDULE => SITE: ROOM 402 DAYS: T,TH,S TIME: 3:00 P.M.

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	RETURNED	REREFERRED	DATE READ
HB0020	COBB, JOHN 1/21	1/28	CLASS A-8 RESIDENT TEMPORARY FISHING LICENSE	CONCUR AS AMENDED 1/28 VOTE: Unan.			1/29
HB0092	TASH, BILL 2/03	2/06	ALLOW FISH, WILDLIFE, AND PARKS TO BYPASS BIDDING PROCESS FOR BANNACK	CONCUR 2/06 VOTE: Unan.			2/07
HB0151	MARSHALL, ROD 1/22	1/28	EXPAND FWP CRIMESTOPPERS PROGRAM TO INCLUDE PARKS CRIMES	CONCUR AS AMENDED 1/28 VOTE: Unan.			1/29
HB0175	REAM, BOB 1/28	2/04	REPEAL PROHIBITION AGAINST DEER HUNTING WITHIN CITY OR TOWN LIMITS	TABLED ON 02/13 VOTE: Unan.			
HB0212	RANEY, BOB 2/11	2/18	ESTABLISH ISLAND PARKS AND LIMIT DEVELOPMENT 3/04 FIRST HEARING	CONCUR AS AMENDED 3/13 VOTE: 8:2		3/15	
HB0265	MOLNAR, BRAD 3/03	3/13	REVISE SPECIAL ELK PERMIT LAWS	TABLED ON 03/20 VOTE: 8:1			
HB0271	HARPER, HAL 2/06	2/11	INCREASE PENALTY FOR ILLEGAL FISH INTRODUCTION	CONCUR AS AMENDED 3/04 VOTE: Unan.			3/05
HB0289	PAVLOVICH, BOB 2/11	2/20	4-DAY LEGION OF VALOR FREE FISHING	CONCUR 2/20 VOTE: Unan.			2/21
HB0360	MENAHAN, RED 2/12	2/20	PROHIBIT HARASSMENT OF ANGLERS & BIRD HUNTERS	CONCUR AS AMENDED 3/04 VOTE: 7:3			3/05
HB0387	SIMON, BRUCE 3/03	3/11	PUBLIC NOTIFICATION OF FISH STOCKING TABLE 3/13	CONCUR AS AMENDED 3/20 VOTE: 6:3			3/21
HB0413	KNOX, DICK 2/19	3/04	HUNTING & FISHING LAW VIOLATORS ETHICS EDUCATION PROGRAM	TABLED ON 03/14 VOTE: 5:4			

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN AL BISHOP**, on February 20, 1997, at 3:00 p.m., in Room 402

ROLL CALL

Members Present:
Sen. Al Bishop, Chairman (R)
Sen. Loren Jenkins, Vice Chairman (R)
Sen. Vivian Brooke (D)
Sen. William S. Crismore (R)
Sen. Steve Doherty (D)
Sen. Bea McCarthy (D)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)

Members Excused: None

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 289, HB 360 - Posted 2/17/97
Executive Action: HB 289, SB 292, SB 287

HEARING ON HB 289

Sponsor: **REPRESENTATIVE BOB PAVLOVICH, HD #37, Butte**

Proponents:
Joe Brand, Veterans of Foreign Wars, Helena
Jim Jacobsen, Montana Veterans Affairs Division
Roger Hagan, Enlisted & Officers Associations, Montana National Guard
Bill Holdorf, American Legion, Butte/Anaconda
L. F. Thomas, Anaconda Sportsmen
Tony Schoonen, Public Lands Access Association, Inc.

Opponents' Testimony: None

{Tape: 1; Side: A; Approx. Time Count: 3:29}

Questions From Committee Members and Responses:

SENATOR WILLIAM CRISMORE commented that if Montana is going to do something for these veterans, some outfitters should be lined up to help them. **Jean Johnson** said that was a good point and probably could be arranged.

Closing by Sponsor:

REPRESENTATIVE PAVLOVICH thanked **SENATOR CRISMORE** for his idea and thought there were a lot of good people in Montana who could take these veterans fishing.

HEARING ON HB 360

Sponsor: **REPRESENTATIVE WILLIAM MENAHAN, HD #57, Anaconda**

Proponents: **Pat Graham, Director, Department of Fish, Wildlife & Parks**
Roger Hagan, Walleyes Unlimited
Bill Holdorf, Skyline Sportsmen, Butte
Tony Schoonen, Public Lands Access Association, Inc.
Jim Richard, Montana Wildlife Federation
Jean Johnson, Executive Director, Montana Outfitters & Guides Association

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 3:33}

Opening Statement by Sponsor:

REPRESENTATIVE WILLIAM MENAHAN, HD 57, Anaconda, told the committee the bill was prompted by People for the Ethical Treatment of Animals (PETA) and others who have tried to stop the lawful taking of fish and upland game birds. The bill is intended to put an end to this harassment.

Proponents' Testimony:

Pat Graham, Director, Department of Fish, Wildlife & Parks (DFWP), said past confrontations have largely centered around hunting and trapping, but harassment of fishermen is beginning. In fact, PETA's home page on the Internet targets fishing - they are strongly opposed to catch-and-release on the Madison. **EXHIBIT #1**

Roger Hagan, Walleyes Unlimited, stated that his organization wholeheartedly supported HB 360.

Bill Holdorf, Skyline Sportsmen, Butte, said he had been personally harassed several times while hunting birds. In one instance he was on BLM land when the man who owned the adjacent property fired a gun and scared the birds. **Mr. Holdorf** went to the sheriff and the man was cited for shooting from a vehicle and from a road. Once he was fishing in southern Montana where the stream access law came into play. People on horseback kicked up mud to destroy the fishing.

Tony Schoonen, Public Lands Access Association, Inc., told the committee he takes people fishing and has been harassed numerous times. He presented several letters regarding harassment of bird hunters and fishermen. **EXHIBITS 2, 3, 4 and 5**

{Tape: 1; Side: A; Approx. Time Count: 3:40}

L. F. Thomas, Anaconda Sportsmen, said HB 360 was a good bill.

Jean Johnson, Executive Director, Montana Outfitters & Guides Association, said commercial sportsmen also supported the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR LOREN JENKINS asked how it was possible to go fishing for a wild animal. **REPRESENTATIVE MENAHAN** said he didn't know why Section 2, line 23 states "...or fishing for a wild animal by another."

SENATOR JENKINS said lines 27 and 28 also referenced fishing for a wild animal.

REPRESENTATIVE MENAHAN commented that it was a committee bill.

{Tape: 1; Side: A; Approx. Time Count: 3:43}

SENATOR STEVE DOHERTY said the statement on line 30, page 1, and lines 1 and 2 on page 2 contains the word "prohibit" twice and two negatives make a positive. **REPRESENTATIVE MENAHAN** said that might have to be corrected, too. The first bill was fine, but there appeared to be drafting errors in the third reading copy.

SENATOR VIVIAN BROOKE asked if this bill afforded a special class of protection. **REPRESENTATIVE MENAHAN** said it was for anyone who fished. It was the same as the bill that prohibits harassment of hunters.

SENATOR BROOKE asked why **REPRESENTATIVE MENAHAN** didn't think the law covering harassment of hunters covered people who were hunting birds or fishing. **REPRESENTATIVE MENAHAN** said angling and bird hunting weren't mentioned in the original bill. The only activity mentioned in that bill was big game hunting.

SENATOR BROOKE asked what punishment was connected with harassment of bird hunters and anglers. **REPRESENTATIVE MENAHAN** said it would be the same as for harassing big game hunters. **CHAIRMAN AL BISHOP** said it would be a misdemeanor punishable by a fine not to exceed $500 or 30 days in jail or both for a first offense; a second offense would bring a fine not to exceed $1000 or 1 year in jail or both.

{Tape: 1; Side: A; Approx. Time Count: 3:47}

SENATOR BROOKE asked **Beate Galda** if the crimes in question were addressed under any other statute. **Beate Galda, Administrator, Enforcement Division, DFWP,** said they weren't. Frightening away wildlife or fish is not a crime unless it hurts the animal.

SENATOR MIKE TAYLOR asked how many people have been convicted of harassing a big game hunter. **Ms. Galda** said she only knew of the one case in Bozeman that went to the Supreme Court. **SENATOR TAYLOR** asked if a farmer or rancher driving across his own or leased property would constitute harassment if someone were hunting. **Ms. Galda** said it wouldn't; harassment must be an intentional act.

SENATOR DOHERTY commented that he had heard of several instances on heavily used rivers where people threw rocks into holes to harass fishermen.

Closing by Sponsor:

REPRESENTATIVE MENAHAN thanked the committee for a good hearing. When bison hunting was legal, a number of bison hunters were harassed. After the bill passed the fine and court case put an end to the harassment.

EXECUTIVE ACTION ON HB 289

Motion/Vote: **SENATOR LOREN JENKINS** moved HB 289 **BE CONCURRED IN.** The motion carried unanimously and **SENATOR BEA McCARTHY** offered to carry the bill.

EXECUTIVE ACTION ON SB 292

{Tape: 1; Side: A; Approx. Time Count: 3:52}

Motion: **SENATOR JENKINS** moved SB 292 **DO PASS.**

Discussion: **SENATOR JENKINS** said SB 292 was for a study that would determine where the Department of Fish, Wildlife & Parks spends money, and he wanted to know. He thought DFWP should pay for wildlife-related programs in other agencies. He didn't think anyone in the legislature understood the DFWP budget.

SENATOR JENKINS asked **Mr. Aasheim** if he had looked at the amendments. **Mr. Aasheim** said he had.

Closing by Sponsor:

REPRESENTATIVE KNOX said **REPRESENTATIVE HARPER** had an almost identical bill, and had let **REPRESENTATIVE KNOX'** bill proceed. The bill before the committee carries some aspects of both. He thought it would be a positive step and would reach some people who are obviously in need of remediation.

A small percentage of people create most of the problems. Most hunters are very good. He thought this type of approach would improve the situation.

His intent would be to have a consistent statewide program after it had been in place for a year or so.

SENATOR TAYLOR suggested delaying the executive action on HB 413.

{Tape: 1; Side: A; Approx. Time Count: 3:45}

EXECUTIVE ACTION ON HB 271

Amendments: hb027101.alk

Motion: **SENATOR STEVE DOHERTY** moved that HB 271 **BE CONCURRED IN** and moved the amendment **(EXHIBIT #3) DO PASS.**

Vote: The **DO PASS** motion on the amendment **CARRIED UNANIMOUSLY.** The motion that HB 271 **BE CONCURRED IN AS AMENDED CARRIED UNANIMOUSLY.**

SENATOR DOHERTY offered to carry the bill.

{Tape: 1; Side: A; Approx. Time Count: 3:51}

EXECUTIVE ACTION ON HB 360

Amendments: hb036001.alk

Motion: **SENATOR McCARTHY** moved the bill **BE CONCURRED IN.**

Discussion: **SENATOR JENKINS** noted there was an amendment that cleared up the statement about fishing for a wild animal. **(EXHIBIT #4)**

Motion/Vote: **SENATOR JENKINS** moved the amendment **DO PASS.** The motion carried unanimously.

Motion: **SENATOR McCARTHY** moved the bill **BE CONCURRED IN AS AMENDED.**

SENATOR TAYLOR wanted to be sure the bill would not set a precedent, and asked if it had some implications he didn't understand.

SENATOR McCARTHY commented that it was similar to the bill prohibiting the harassment of big game hunters. **SENATOR JENKINS** agreed. **SENATOR DOHERTY** mentioned that the bill in question had passed constitutional muster. **SENATOR JENKINS** said it had gone all the way to the Supreme Court.

SENATOR McCARTHY said hunting is done in a designated area, while fishermen move around. When the other law went to the Supreme Court, it was decided the hunter already had permission to hunt in that place. She asked if that position would change as a fisherman moved up or down the river.

SENATOR DOHERTY said he didn't think so. Under the Stream Access Law, fishermen are presumed to have the right to be pursuing whatever activity brought them there. Purpose of the bill is to prevent intentional interference with that activity.

SENATOR McCARTHY pointed out the Stream Access Law granted access to the stream, not the land surrounding it.

{Tape: 1; Side: B; Approx. Time Count: 3:55}

SENATOR BROOKE mentioned that one of the proponents objected to a landowner being out target shooting. She thought he had every right to be out on his own land.

SENATOR DOHERTY commented that it was a different thing if they shot over people in a boat.

Leanne Kurtz pointed out that the intent of the action would have to be proven in court.

Vote: The motion carried with **SENATORS TAYLOR, BROOKE AND TOEWS** voting **NO.**

{Tape: 1; Side: B; Approx. Time Count: 3:59}

EXECUTIVE ACTION ON HB 212

Amendments: hb021201.alk

Motion: **SENATOR DARYL TOEWS** moved the amendment.

Discussion: **SENATOR TOEWS** said he thought there were only three islands in Montana over 100 acres.

SENATOR McCARTHY said she hadn't heard the discussion on this bill, and asked how many islands were affected.